

EXHIBIT 2

***UNREDACTED
VERSION OF
DOCUMENT SOUGHT
TO BE SEALED IN
ITS ENTIRETY***

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION
Case No. 17-cv-00939-WHA

-----x
WAYMO LLC,

Plaintiff,

- against -
UBER TECHNOLOGIES, INC.; OTTOMOTTO, LLC;
OTTO TRUCKING LLC,

Defendants.
-----x

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Videotaped 30(b)(6) Deposition
of GARY BROWN, taken by Defendants, held
at the offices of Morrison & Foerster LLP,
250 West 55th Street, at 9:59 a.m. on August
8, 2017, New York, New York, before Jineen
Pavesi, a Registered Professional Reporter,
Registered Merit Reporter, Certified Realtime
Reporter and Notary Public of the State of New York.

Job No. 2671217A
Pages 1 - 305

Page 1

1 of Waymo Subversion Server and I met with 10:03:20AM
2 counsel. 10:03:29AM
3 Q. Who is the administrator of 10:03:30AM
4 Waymo Subversion server with whom you 10:03:33AM
5 spoke? 10:03:35AM
6 A. Jack Brown. 10:03:36AM
7 Q. For how long did you speak with 10:03:39AM
8 Mr. Brown? 10:03:41AM
9 A. Maybe five to ten minutes. 10:03:46AM
10 Q. When did you speak with 10:03:50AM
11 Mr. Brown? 10:03:51AM
12 A. Yesterday. 10:03:53AM
13 Q. Was counsel present? 10:03:55AM
14 A. Yes. 10:03:59AM
15 Q. What did you and Mr. Brown 10:04:02AM
16 speak about? 10:04:03AM
17 MR. BAKER: I will instruct the 10:04:05AM
18 witness not to answer that question on 10:04:06AM
19 grounds of attorney-client privilege. 10:04:07AM
20 Q. Are you following your 10:04:09AM
21 counsel's instruction? 10:04:10AM
22 A. Yes. 10:04:11AM
23 Q. Did you review any documents to 10:04:16AM
24 prepare for today's deposition? 10:04:17AM
25 MR. BAKER: And I am going to 10:04:20AM

1 instruct the witness not to answer on the 10:04:21AM
2 grounds of attorney-client privilege. 10:04:23AM
3 Q. Are you following your 10:04:26AM
4 counsel's instruction? 10:04:28AM
5 A. Yes. 10:04:28AM
6 Q. And you cannot testify to 10:04:30AM
7 whether you reviewed, not what documents 10:04:32AM
8 you reviewed, but whether you reviewed 10:04:35AM
9 documents to prepare for today's 10:04:37AM
10 deposition? 10:04:38AM
11 MR. BAKER: And you can answer 10:04:39AM
12 that yes or no. 10:04:40AM
13 A. Yes. 10:04:41AM
14 Q. Did you review deposition 10:04:44AM
15 testimony of other witnesses to prepare 10:04:46AM
16 for today's deposition? 10:04:48AM
17 MR. BAKER: I am going to 10:04:49AM
18 instruct the witness not to answer that on 10:04:50AM
19 the grounds of attorney-client privilege. 10:04:52AM
20 Q. Are you following counsel's 10:04:54AM
21 instruction? 10:04:55AM
22 A. Yes. 10:04:56AM
23 Q. You conducted the investigation 10:05:08AM
24 into whether Anthony Levandowski may have 10:05:12AM
25 improperly downloaded or exported Waymo 10:05:14AM

1 testify to at your deposition here today? 10:25:22AM
2 MR. BAKER: Objection, form. 10:25:28AM
3 A. Yes. 10:25:30AM
4 Q. What facts did you learn from 10:25:31AM
5 Mr. Brown that you're prepared to testify 10:25:33AM
6 to here today? 10:25:36AM
7 MR. BAKER: Counsel, you know, 10:25:43AM
8 I don't think that that is proper, I have 10:25:44AM
9 privilege concerns there, but I'll allow 10:25:47AM
10 the witness to talk about the facts that 10:25:51AM
11 he discussed with Mr. Brown as long as you 10:25:54AM
12 agree that there is no waiver issues. 10:25:58AM
13 MS. GOODMAN: I am not going to 10:26:00AM
14 agree that there are no waiver issues. 10:26:01AM
15 MR. BAKER: Then I would 10:26:02AM
16 instruct the witness not to answer on 10:26:03AM
17 basic grounds of privilege. 10:26:05AM
18 Q. You will not answer what facts 10:26:09AM
19 you learned from Mr. Brown with regard to 10:26:11AM
20 Waymo's forensic investigation, is that 10:26:15AM
21 correct? 10:26:22AM
22 MR. BAKER: I am going to 10:26:22AM
23 object on the grounds of attorney-client 10:26:23AM
24 privilege and instruct the witness not to 10:26:25AM
25 answer. 10:26:27AM

1 that's it. 10:42:01AM

2 A. I believe the 21st, 20th or 10:42:03AM

3 21st of February. 10:42:07AM

4 Q. When did lawyers for Keker Van 10:42:13AM

5 Nest become involved in Waymo's forensic 10:42:16AM

6 investigation into Mr. Levandowski? 10:42:18AM

7 A. The summer of 2016, possibly 10:42:33AM

8 sometime in July. 10:42:39AM

9 Q. And the lawyers for Keker are 10:42:41AM

10 [REDACTED] and [REDACTED] correct? 10:42:45AM

11 A. Primarily [REDACTED] I believe [REDACTED] 10:42:49AM

12 was involved to some extent. 10:42:59AM

13 Q. Are there any other lawyers 10:43:01AM

14 from Keker Van Nest that you can identify 10:43:03AM

15 as being involved in Waymo's forensic 10:43:05AM

16 investigation into Mr. Levandowski? 10:43:07AM

17 A. None that I can recall at this 10:43:10AM

18 time. 10:43:17AM

19 Q. Was [REDACTED] involved in 10:43:17AM

20 Waymo's forensic investigation into 10:43:20AM

21 Mr. Levandowski? 10:43:21AM

22 A. Possibly tangentially. 10:43:34AM

23 Q. In what way was she 10:43:35AM

24 tangentially involved? 10:43:38AM

25 MR. BAKER: I instruct the 10:43:43AM

1 witness not to answer that question on 10:43:44AM
2 grounds of attorney-client privilege and 10:43:45AM
3 work product. 10:43:47AM
4 Q. Are you following your 10:43:49AM
5 counsel's instruction? 10:43:50AM
6 A. I am. 10:43:51AM
7 Q. Was [REDACTED] involved in 10:43:54AM
8 Waymo's forensic investigation into 10:43:57AM
9 Mr. Levandowski? 10:43:59AM
10 A. [REDACTED] 10:44:01AM
11 Q. Yes. 10:44:02AM
12 A. I don't know that name. 10:44:05AM
13 Q. When did [REDACTED] become 10:44:08AM
14 involved in Waymo's forensic investigation 10:44:12AM
15 into Mr. Levandowski? 10:44:15AM
16 A. To my knowledge, I would say 10:44:26AM
17 around the same time as [REDACTED]. 10:44:28AM
18 Q. And that time was the summer of 10:44:33AM
19 2016? 10:44:34AM
20 A. I believe so. 10:44:37AM
21 Q. Was it in July of 2016? 10:44:38AM
22 A. I'd say so. 10:44:40AM
23 Q. I don't believe I asked this 10:44:47AM
24 question; when did [REDACTED] become 10:44:48AM
25 involved in Waymo's forensic investigation 10:44:50AM

1 into Mr. Levandowski? 10:44:54AM

2 A. February or March 2016. 10:45:00AM

3 Q. You previously a few -- a 10:45:04AM

4 while ago, you mentioned a woman named 10:45:08AM

5 [REDACTED] I think it was a woman. 10:45:10AM

6 A. Yes. 10:45:11AM

7 Q. And the last name of that 10:45:12AM

8 individual? 10:45:13AM

9 A. [REDACTED] 10:45:13AM

10 Q. How do you pronounce her last 10:45:24AM

11 name? 10:45:26AM

12 A. I don't. 10:45:26AM

13 Q. What should we call her? 10:45:26AM

14 A. [REDACTED] that's as close to 10:45:28AM

15 what I can phonetically pronounce it, but 10:45:32AM

16 I usually don't. 10:45:34AM

17 Q. When did Ms. [REDACTED] become 10:45:35AM

18 involved in Waymo's forensic investigation 10:45:38AM

19 into Mr. Levandowski? 10:45:39AM

20 A. I believe March 2016. 10:45:42AM

21 Q. What role did Ms. [REDACTED] play 10:45:44AM

22 in Waymo's investigation into 10:45:46AM

23 Mr. Levandowski? 10:45:48AM

24 MR. BAKER: Objection, I 10:45:49AM

25 instruct the witness not to answer on 10:45:50AM

1 grounds of attorney-client privilege and 10:45:52AM
2 work product. 10:45:53AM
3 Q. Are you following your 10:45:54AM
4 counsel's instruction? 10:45:55AM
5 A. Yes. 10:45:56AM
6 Q. You mentioned that -- is Ms. 10:45:57AM
7 [REDACTED] an investigator? 10:46:31AM
8 A. I believe that is her title, 10:46:32AM
9 yes. 10:46:34AM
10 Q. And you mentioned that she 10:46:34AM
11 brought some devices to you, is that 10:46:38AM
12 correct? 10:46:42AM
13 MR. BAKER: Objection. 10:46:42AM
14 You can answer that yes or no. 10:46:53AM
15 A. Yes. 10:46:55AM
16 Q. Did Ms. [REDACTED]s personally 10:47:08AM
17 bring devices to you? 10:47:10AM
18 MR. BAKER: Same instruction. 10:47:14AM
19 A. Yes. 10:47:16AM
20 Q. When did she bring those 10:47:18AM
21 devices to you? 10:47:20AM
22 A. On several occasions. 10:47:25AM
23 Q. Can you please describe those 10:47:28AM
24 several occasions. 10:47:30AM
25 MR. BAKER: Objection. 10:47:34AM

1 I am going to instruct the 10:47:40AM
2 witness not to answer on grounds of 10:47:41AM
3 attorney-client privilege and work 10:47:43AM
4 product. 10:47:44AM
5 Q. Are you following your 10:47:45AM
6 counsel's instruction? 10:47:46AM
7 A. I am. 10:47:46AM
8 Q. Was Waymo's investigation into 10:47:53AM
9 Mr. Levandowski part of any broader 10:47:55AM
10 investigation of other Chauffeur 10:47:58AM
11 employees? 10:48:00AM
12 MR. BAKER: Objection, instruct 10:48:01AM
13 the witness not to answer on grounds of 10:48:03AM
14 attorney-client privilege and work 10:48:05AM
15 product. 10:48:06AM
16 Q. Are you following your 10:48:07AM
17 counsel's instruction? 10:48:08AM
18 A. I am. 10:48:09AM
19 Q. Was Waymo's investigation into 10:48:10AM
20 Mr. Levandowski part of any broader 10:48:13AM
21 investigation of other Chauffeur employees 10:48:16AM
22 that included Mr. Radu Raduta and 10:48:18AM
23 Mr. Sameer Kshirsagar? 10:48:22AM
24 MR. BAKER: You can answer that 10:48:24AM
25 yes or no. 10:48:25AM

1 A. Can you repeat the question. 10:48:25AM
2 Q. Was Waymo's investigation into 10:48:29AM
3 Mr. Levandowski part of any broader 10:48:30AM
4 investigation of other Chauffeur employees 10:48:33AM
5 that included Mr. Radu Raduta and 10:48:35AM
6 Mr. Sameer Kshirsagar? 10:48:40AM
7 MR. BAKER: Same instruction. 10:48:43AM
8 You can answer that yes or no. 10:48:44AM
9 A. Yes. 10:48:45AM
10 Q. You cannot testify today as to 10:48:47AM
11 any other Waymo employees being part of 10:48:51AM
12 the investigation, correct? 10:48:55AM
13 MR. BAKER: I am going to 10:48:58AM
14 instruct the witness not to answer on 10:48:58AM
15 grounds of attorney-client privilege and 10:49:00AM
16 work product. 10:49:01AM
17 Q. Are you following your 10:49:04AM
18 counsel's instruction? 10:49:05AM
19 A. I am. 10:49:06AM
20 Q. Who at Waymo has access to the 10:49:29AM
21 SVN log in the ordinary course of 10:49:31AM
22 business? 10:49:33AM
23 A. The administrator. 10:49:39AM
24 Q. And that administrator is 10:49:41AM
25 Mr. [REDACTED]? 10:49:43AM

1 the log? 10:56:16AM

2 MR. BAKER: Instruct the 10:56:22AM

3 witness not to answer on the grounds of 10:56:23AM

4 attorney-client privilege and work 10:56:24AM

5 product. 10:56:25AM

6 Q. Are you following your 10:56:25AM

7 counsel's instruction? 10:56:26AM

8 A. I am. 10:56:27AM

9 Q. Was the log, the SVN log that 10:56:40AM

10 you analyzed, specially generated for this 10:56:43AM

11 investigation? 10:56:48AM

12 A. Can you define specially 10:56:57AM

13 generated? 10:56:59AM

14 Q. Was the log specifically pulled 10:57:00AM

15 in order for you to corroborate suspected 10:57:04AM

16 downloading activity? 10:57:09AM

17 MR. BAKER: You can answer that 10:57:14AM

18 yes or no. 10:57:15AM

19 A. No. 10:57:15AM

20 Q. Is the copy of the log that you 10:57:20AM

21 analyzed a version that exists in the 10:57:24AM

22 ordinary course of business? 10:57:26AM

23 A. I don't know what that means. 10:57:31AM

24 Q. Do you know how the log was 10:57:36AM

25 generated? 10:57:39AM

1	A.	Yes, to the byte.	11:11:46AM
2	Q.	You also said it is consistent	11:11:50AM
3		policy not to expand the scope of	11:11:51AM
4		investigation or log access beyond your	11:11:54AM
5		explicit target; whose policy are you	11:11:56AM
6		referring to there?	11:11:59AM
7	A.	Google's user data access	11:12:03AM
8		policy.	11:12:04AM
9	Q.	So you do not know if the log	11:12:06AM
10		file was matched on counts and sizes with	11:12:08AM
11		respect to other activity reflected in the	11:12:16AM
12		log, correct?	11:12:18AM
13	A.	That is correct, that was not	11:12:22AM
14		the target, other users were not the	11:12:22AM
15		target at that point in time.	11:12:25AM
16	Q.	Were other users the target at	11:12:26AM
17		different points in time?	11:12:28AM
18	MR. BAKER:	Hold on one second.	11:12:33AM
19		I object and instruct the	11:12:39AM
20		witness not to answer on grounds of	11:12:41AM
21		attorney-client privilege and work	11:12:43AM
22		product.	11:12:44AM
23	Q.	Are you following your	11:12:45AM
24		counsel's instruction?	11:12:46AM
25	A.	I am.	11:12:47AM

1 Q. To be clear, you spoke with 11:12:53AM
2 [REDACTED] in February 2017 about the log file, 11:12:55AM
3 correct? 11:12:59AM
4 A. Yes. 11:13:01AM
5 Q. But you did not speak with the 11:13:02AM
6 current SVN administrator, [REDACTED], 11:13:03AM
7 correct? 11:13:06AM
8 A. That is correct. 11:13:10AM
9 Q. Did [REDACTED] receive the SVN 11:13:10AM
10 log file from [REDACTED]? 11:13:13AM
11 MR. BAKER: Objection, instruct 11:13:15AM
12 the witness not to answer on the grounds 11:13:16AM
13 of attorney-client privilege and work 11:13:17AM
14 product. 11:13:19AM
15 Q. Are you following your 11:13:20AM
16 counsel's instruction? 11:13:21AM
17 A. I am. 11:13:22AM
18 Q. Did [REDACTED] receive the log 11:13:24AM
19 file from [REDACTED] -- 11:13:26AM
20 A. That's cool, I have problems 11:13:35AM
21 with it too. 11:13:36AM
22 MR. BAKER: Same instruction. 11:13:37AM
23 Q. Are you following your 11:13:38AM
24 counsel's instruction not to answer that 11:13:39AM
25 question? 11:13:40AM

1	A.	I am.	11:13:40AM
2	Q.	What is a machine forensic	11:14:01AM
3		record?	11:14:03AM
4	A.	A tracking document of some	11:14:08AM
5		sort where query results, notes, or other	11:14:16AM
6		pieces of evidence can be aggregated.	11:14:25AM
7	Q.	Is the machine forensic record	11:14:28AM
8		the record kept in the ordinary course of	11:14:33AM
9		business that is meant to record all	11:14:35AM
10		aspects of a forensic investigation?	11:14:42AM
11	A.	That depends.	11:14:48AM
12	Q.	What does it depend on?	11:14:49AM
13	A.	Size and scale, complexity in	11:14:54AM
14		the sense of number of machines involved,	11:14:59AM
15		number of users involved, if there is	11:15:02AM
16		anything to write home about.	11:15:07AM
17		Some investigations don't even	11:15:10AM
18		necessarily require a tracking doc or	11:15:14AM
19		machine forensic record.	11:15:17AM
20		Others, where you need to keep	11:15:20AM
21		state, especially longer running ones, it	11:15:22AM
22		is good to have.	11:15:25AM
23	Q.	Is there a machine forensic	11:15:30AM
24		record for the investigation into	11:15:31AM
25		Mr. Levandowski?	11:15:33AM

1 or Kristinn. 11:22:42AM

2 Q. Did any attorneys contribute to 11:22:49AM

3 the authorship of the machine forensic 11:22:52AM

4 record regarding Anthony Levandowski? 11:22:54AM

5 MR. BAKER: I am going to 11:22:56AM

6 instruct the witness not to answer on the 11:22:56AM

7 grounds of attorney-client privilege and 11:22:58AM

8 work product. 11:22:59AM

9 Q. Are you following your 11:23:01AM

10 counsel's instruction? 11:23:02AM

11 A. I am. 11:23:03AM

12 MS. GOODMAN: Can you mark 11:23:28AM

13 this. 11:23:28AM

14 (Exhibit 1312, Bates labeled 11:23:31AM

15 WAYMO-UBER 00029412 through 460, was 11:23:31AM

16 marked for identification, as of this 11:23:31AM

17 date.) 11:23:39AM

18 Q. The court reporter has handed 11:23:39AM

19 you a document Bates labeled WAYMO-UBER 11:23:40AM

20 00029412. 11:23:46AM

21 Do you recognize this document? 11:23:48AM

22 (Witness perusing document.) 11:23:49AM

23 A. I do. 11:23:50AM

24 Q. What is it? 11:23:51AM

25 MR. BAKER: Counsel, I'm sorry, 11:23:52AM

1 Was there a tracking document 11:26:17AM
2 for the investigation into Mr. 11:26:20AM
3 Levandowski? 11:26:21AM
4 A. I have a privilege question. 11:26:28AM
5 MR. BAKER: Okay. 11:26:29AM
6 MS. GOODMAN: Going off the 11:26:32AM
7 record. 11:26:33AM
8 THE VIDEO TECHNICIAN: Time is 11:26:33AM
9 11:28, we're off the record. 11:26:34AM
10 (Witness and counsel left the 11:26:36AM
11 hearing room to confer.) 11:26:37AM
12 (Pause.) 11:26:37AM
13 (Witness and counsel returned 11:26:37AM
14 to the hearing room.) 11:28:01AM
15 THE VIDEO TECHNICIAN: Time is 11:28:01AM
16 11:30, we're on the record. 11:28:15AM
17 BY MS. GOODMAN: 11:28:17AM
18 Q. Mr. Brown, was there a tracking 11:28:18AM
19 document for the investigation into 11:28:19AM
20 Mr. Levandowski? 11:28:21AM
21 A. I believe there was. 11:28:23AM
22 Q. What did that tracking document 11:28:28AM
23 memorialize? 11:28:31AM
24 MR. BAKER: Objection, I am 11:28:33AM
25 going to instruct the witness not to 11:28:34AM

1 answer on the grounds of attorney-client 11:28:36AM
2 privilege and work product. 11:28:38AM
3 Q. Are you following your 11:28:40AM
4 counsel's instruction? 11:28:41AM
5 A. I am. 11:28:42AM
6 Q. So it is your understanding 11:28:45AM
7 that Waymo is asserting that the tracking 11:28:46AM
8 document for the investigation into 11:28:49AM
9 Mr. Levandowski is covered by the 11:28:51AM
10 attorney-client privilege? 11:28:53AM
11 MR. BAKER: Objection to form. 11:28:54AM
12 Q. Is that correct? 11:28:55AM
13 MR. BAKER: Objection to form. 11:28:56AM
14 A. Yes. 11:28:58AM
15 Q. And it is your understanding 11:28:59AM
16 that the tracking document for the 11:29:01AM
17 investigation into Mr. Levandowski is 11:29:02AM
18 covered by the work product doctrine, is 11:29:06AM
19 that correct? 11:29:10AM
20 MR. BAKER: Objection to form. 11:29:10AM
21 A. I'm not a lawyer, I am not sure 11:29:14AM
22 what the distinction between that is. 11:29:16AM
23 Q. Was the tracking document 11:29:24AM
24 created in anticipation of a lawsuit 11:29:25AM
25 against Mr. Levandowski? 11:29:29AM

1 MR. BAKER: Hold on one second. 11:29:33AM
2 (Pause.) 11:29:34AM
3 MR. BAKER: You can answer that 11:29:55AM
4 yes or no. 11:29:56AM
5 A. Possibly yes. 11:30:02AM
6 Q. Why do you think possibly yes, 11:30:07AM
7 it was created in anticipation of a 11:30:11AM
8 lawsuit against Mr. Levandowski? 11:30:13AM
9 MR. BAKER: Objection, I am 11:30:15AM
10 going to instruct the witness not to 11:30:16AM
11 answer on the grounds of privilege and 11:30:17AM
12 work product. 11:30:19AM
13 Q. Are you following your 11:30:20AM
14 counsel's instruction? 11:30:21AM
15 A. I am. 11:30:21AM
16 Q. Was the tracking document 11:30:23AM
17 created in anticipation of a lawsuit 11:30:24AM
18 against Uber? 11:30:27AM
19 MR. BAKER: You can answer 11:30:28AM
20 that, same instruction. 11:30:30AM
21 A. No. 11:30:33AM
22 Q. When was the tracking document 11:30:34AM
23 created? 11:30:37AM
24 MR. BAKER: You can give a 11:30:38AM
25 date. 11:30:40AM

1 question about privilege for the witness, 11:32:18AM
2 so we can step outside now. 11:32:24AM
3 MS. GOODMAN: Going off the 11:32:27AM
4 record. 11:32:27AM
5 THE VIDEO TECHNICIAN: Time is 11:32:28AM
6 11:34, we're off the record. 11:32:29AM
7 (Witness and counsel left the 11:32:31AM
8 hearing room to confer.) 11:32:32AM
9 (Pause.) 11:32:32AM
10 (Witness and counsel returned 11:32:32AM
11 to the hearing room.) 11:35:01AM
12 THE VIDEO TECHNICIAN: Time is 11:35:01AM
13 11:36 a.m. 11:35:10AM
14 We're on the record. 11:35:11AM
15 BY MS. GOODMAN: 11:35:12AM
16 Q. Did any attorneys author the 11:35:14AM
17 tracking document regarding the scope -- 11:35:16AM
18 regarding the forensic investigation into 11:35:19AM
19 Mr. Levandowski? 11:35:20AM
20 A. No. 11:35:22AM
21 MR. BAKER: Counsel, we have 11:35:24AM
22 been going for well over an hour now. 11:35:24AM
23 Is now a good time for a break? 11:35:26AM
24 MS. GOODMAN: We have had a 11:35:28AM
25 number of breaks in between, so I want to 11:35:29AM

1 query over Google, a Google docs 12:39:46PM
2 repository? 12:39:50PM
3 A. Yes, these are the web logs for 12:39:51PM
4 Google docs. 12:39:56PM
5 Q. You see about halfway through 12:39:56PM
6 that block, there are a bunch of black 12:39:58PM
7 redactions? 12:40:01PM
8 A. I do see that. 12:40:05PM
9 Q. But you see a few numbers that 12:40:05PM
10 are not redacted, correct? 12:40:07PM
11 A. Yes. 12:40:08PM
12 Q. Were the numbers that are not 12:40:11PM
13 redacted the GAIA IDs for Mr. Levandowski, 12:40:12PM
14 Mr. Raduta and Mr. Kshirsagar? 12:40:15PM
15 A. I believe they are. 12:40:19PM
16 Q. And so what is redacted GAIA 12:40:20PM
17 IDs for other users that you were 12:40:23PM
18 querying? 12:40:25PM
19 MR. BAKER: Objection, calls 12:40:27PM
20 for attorney-client privileged information 12:40:28PM
21 and work product and I instruct the 12:40:30PM
22 witness not to answer. 12:40:31PM
23 Q. Are you going to follow your 12:40:33PM
24 counsel's instruction? 12:40:34PM
25 A. I am. 12:40:34PM

1 Q. What query is being run in the 12:40:40PM
2 third box on the -- where it says dollar 12:40:43PM
3 sign tricks, what is tricks? 12:40:47PM
4 A. Google sheets. 12:40:48PM
5 Q. Again, you ran queries on the 12:40:51PM
6 GAIA IDs of Mr. Levandowski, 12:40:54PM
7 Mr. Kshirsagar and Mr. Raduta, correct? 12:40:57PM
8 A. That is correct. 12:41:00PM
9 Q. And you ran queries on other 12:41:00PM
10 people's GAIA IDs, correct? 12:41:03PM
11 MR. BAKER: Objection, 12:41:06PM
12 attorney-client privilege and work product 12:41:07PM
13 and I instruct the witness not to answer. 12:41:08PM
14 Q. Are you following your 12:41:10PM
15 counsel's instruction? 12:41:11PM
16 A. I am. 12:41:11PM
17 Q. Are you aware of any event 12:41:18PM
18 relating to -- any downloading activity 12:41:21PM
19 of Mr. Levandowski on or around August 22, 12:41:24PM
20 2015? 12:41:27PM
21 A. Can you repeat the question. 12:41:33PM
22 Q. Sure. 12:41:34PM
23 Are you aware of any 12:41:34PM
24 downloading activity of Mr. Levandowski on 12:41:37PM
25 or around August 22, 2015? 12:41:42PM

1 Because when you have a 12:47:03PM
2 document that's this long, you kind of 12:47:04PM
3 don't want to put your teammates and other 12:47:07PM
4 collaborators through having to sift 12:47:09PM
5 through all of it to having to find the 12:47:11PM
6 one piece of information they're looking 12:47:13PM
7 for. 12:47:15PM

8 MS. GOODMAN: I am going to ask 12:47:24PM
9 the court reporter to mark as Exhibit 1314 12:47:25PM
10 WAYMO-UBER 00029365. 12:47:28PM

11 (Exhibit 1314, Bates labeled 12:47:46PM
12 WAYMO-UBER 00029365 through 378, was 12:47:46PM
13 marked for identification, as of this 12:47:46PM
14 date.) 12:47:58PM

15 (Witness perusing document.) 12:47:58PM

16 Q. Do you recognize this document? 12:47:58PM

17 A. I can understand what I believe 12:48:04PM
18 it is for. 12:48:07PM

19 Q. Can you please tell me Waymo's 12:48:08PM
20 understanding of what this document is. 12:48:10PM

21 A. This is analysis conducted on 12:48:12PM
22 Sameer's MacBook Air by Kristinn and [REDACTED] [REDACTED]
[REDACTED] [REDACTED]. 12:48:22PM

24 Q. You see this document is also 12:48:27PM
25 marked attorney-client privilege? 12:48:29PM

1 my question. 12:49:28PM

2 Q. [REDACTED] is that a 12:49:36PM

3 reference to another computer? 12:49:39PM

4 A. I believe so. 12:49:42PM

5 Q. Is it a reference to a computer 12:49:43PM

6 belonging to a person named [REDACTED] 12:49:45PM

7 [REDACTED] 12:49:48PM

8 A. That sounds right. 12:49:50PM

9 Q. Is [REDACTED] a person that 12:49:51PM

10 you were investigating in the course of 12:49:53PM

11 the forensic review involving both 12:49:56PM

12 Mr. Levandowski and Mr. Raduta and 12:49:59PM

13 Mr. Kshirsagar? 12:50:02PM

14 MR. BAKER: Objection, instruct 12:50:02PM

15 the witness not to answer on grounds of 12:50:03PM

16 attorney-client privilege and work 12:50:05PM

17 product. 12:50:06PM

18 Q. Are you following your 12:50:07PM

19 counsel's instruction? 12:50:08PM

20 A. I am. 12:50:08PM

21 Q. Do you know [REDACTED] 12:50:12PM

22 A. I do not. 12:50:14PM

23 Q. Is he a former employee of 12:50:16PM

24 Waymo? 12:50:20PM

25 A. I believe so. 12:50:24PM

1 Q. Did he leave Waymo for another 12:50:27PM
2 company? 12:50:32PM
3 A. Presumably that's what people 12:50:36PM
4 do when they leave. 12:50:38PM
5 Q. Do you know what company he 12:50:39PM
6 left to go work for? 12:50:40PM
7 A. I don't; and if you ask me as 12:50:43PM
8 Waymo, I am not going to be able either. 12:50:45PM
9 Q. So Waymo doesn't know what 12:50:48PM
10 company he went to go work for? 12:50:49PM
11 A. I wasn't prepared on the 12:50:50PM
12 careers of every former Waymo employee. 12:50:54PM
13 Q. Was Waymo looking -- 12:50:58PM
14 conducting a forensic investigation of 12:51:01PM
15 former Waymo employees other than 12:51:02PM
16 Mr. Kshirsagar, Raduta and Levandowski, 12:51:05PM
17 who went to go work for Ottomotto? 12:51:08PM
18 MR. BAKER: Objection, instruct 12:51:11PM
19 the witness not to answer on grounds of 12:51:12PM
20 attorney-client privilege and work 12:51:14PM
21 product. 12:51:15PM
22 Q. Are you following your 12:51:16PM
23 counsel's instruction? 12:51:17PM
24 A. I am. 12:51:17PM
25 Q. On this, if you turn to the 12:51:24PM

1 next page, 29372, in the middle of the 12:51:31PM
2 page it says "looking for keywords across 12:51:37PM
3 all strings on disk." 12:51:40PM
4 Do you see that? 12:51:42PM
5 A. I do see that. 12:51:45PM
6 Q. And what follows below are 12:51:46PM
7 keywords that Waymo ran in the course of 12:51:48PM
8 its forensic investigation of 12:51:52PM
9 Mr. Kshirsagar, correct? 12:51:58PM
10 A. Can you repeat the question. 12:52:00PM
11 Q. What follows below the sentence 12:52:05PM
12 "looking for keywords across all strings 12:52:10PM
13 on disk," are the actual keywords that 12:52:12PM
14 Waymo ran in the course of its forensic 12:52:17PM
15 investigation of Mr. Kshirsagar, correct? 12:52:19PM
16 A. That seems plausible. 12:52:30PM
17 Q. One of those keywords is [REDACTED] 12:52:31PM
18 is that right? 12:52:33PM
19 A. I believe so. 12:52:36PM
20 Q. One of them is [REDACTED] is that 12:52:37PM
21 right? 12:52:41PM
22 A. Yes. 12:52:41PM
23 Q. Were these keywords also run on 12:52:43PM
24 Mr. Levandowski's devices in the course of 12:52:47PM
25 Waymo's forensic investigation? 12:52:50PM

1 MR. BAKER: I have a privilege 12:52:55PM
2 question for the witness. 12:52:58PM
3 MS. GOODMAN: Okay. 12:52:58PM
4 MR. BAKER: Is that all right? 12:53:00PM
5 MS. GOODMAN: Off the record. 12:53:01PM
6 THE VIDEO TECHNICIAN: Time is 12:53:03PM
7 12:54 p.m. 12:53:03PM
8 We're off the record. 12:53:04PM
9 (Witness and counsel left the 12:53:07PM
10 hearing room to confer.) 12:53:07PM
11 (Pause.) 12:53:07PM
12 (Witness and counsel returned 12:53:07PM
13 to the hearing room.) 12:56:17PM
14 THE VIDEO TECHNICIAN: Time is 12:56:17PM
15 12:58 p.m. 12:56:25PM
16 We're on the record. 12:56:27PM
17 BY MS. GOODMAN: 12:56:27PM
18 Q. Mr. Brown, my question to you 12:56:28PM
19 before the break was, were the keywords 12:56:30PM
20 reflected on page 29372 also run on 12:56:32PM
21 Mr. Levandowski's devices in the course of 12:56:37PM
22 Waymo's forensic investigation? 12:56:41PM
23 A. They may have been run on one, 12:56:47PM
24 but the other was unable to be decrypted 12:56:52PM
25 and the one that they were able to be run 12:56:56PM

1 on appears not to have incurred much, if 12:56:58PM
2 any, use at all after it was reimaged from 12:57:04PM
3 a Windows machine to a Linux laptop. 12:57:08PM

4 Q. And because -- the machine 12:57:12PM
5 they were run on that appears not to have 12:57:19PM
6 incurred much, if any, use is the 0-W 12:57:20PM
7 laptop, right? 12:57:25PM

8 A. Yes. 12:57:26PM

9 Q. It is your testimony the 12:57:27PM
10 keywords reflected on this page 29372 were 12:57:28PM
11 run on that device, correct? 12:57:32PM

12 A. They may have been. 12:57:34PM

13 Q. When you say that the 0-W 12:57:40PM
14 laptop does not appear to have incurred 12:57:45PM
15 much, if any, use after it was reimaged, 12:57:47PM
16 what significance does that have to the 12:57:53PM
17 keyword search that was run on that 12:57:55PM
18 device? 12:58:04PM

19 A. If you -- as I said before, if 12:58:04PM
20 you reimage these machines, these full 12:58:06PM
21 disk encrypted machines, everything that 12:58:13PM
22 was on there before the reimage is now 12:58:18PM
23 gone and the new stuff is kind of like 12:58:20PM
24 stock-just-got-it-from-the-store-operating 12:58:23PM
25 -system. 12:58:25PM

1 And after the 0-W machine was 12:58:27PM
2 reimaged to a Linux laptop, within minutes 12:58:32PM
3 of becoming capable of doing any type of 12:58:35PM
4 privileged activity on the Google network, 12:58:40PM
5 it ceased to be used. 12:58:43PM

6 So my point is there isn't -- 12:58:49PM
7 the machine was as close to stock as 12:58:52PM
8 possible, so if you're looking for -- if 12:58:56PM
9 you're looking to investigate use on a 12:59:04PM
10 machine that wasn't used, you're not going 12:59:06PM
11 to find anything. 12:59:08PM

12 Q. So it is your testimony Waymo 12:59:09PM
13 did not find anything on the 0-W laptop by 12:59:11PM
14 running these keywords, correct? 12:59:14PM

15 MR. BAKER: Objection to form. 12:59:16PM

16 A. The reimage of the Windows 12:59:22PM
17 laptop made that unlikely. 12:59:24PM

18 Q. Were these keywords run on 12:59:25PM
19 unallocated space in the 0-W laptop? 12:59:28PM

20 A. I don't know. 12:59:32PM

21 Q. Looking at page 29372, there is 12:59:35PM
22 a line beginning Levandowski, 6624, do you 12:59:43PM
23 see that? 12:59:48PM

24 A. Yes. 12:59:49PM

25 Q. And then I would like to direct 12:59:50PM

1 your attention to two lines down from 12:59:52PM
2 that, beginning [REDACTED] do 12:59:55PM
3 you see that line? 12:59:59PM
4 A. Yes. 01:00:00PM
5 Q. In that search query there is 01:00:01PM
6 listed a handful of names, correct? 01:00:04PM
7 A. Those appear to be names. 01:00:13PM
8 Q. Are the names listed here the 01:00:15PM
9 individuals that Waymo was investigating? 01:00:17PM
10 MR. BAKER: Is that your 01:00:24PM
11 question? 01:00:25PM
12 MS. GOODMAN: My question, yes. 01:00:25PM
13 MR. BAKER: Objection, instruct 01:00:26PM
14 the witness not to answer on grounds of 01:00:29PM
15 attorney-client privilege and work 01:00:30PM
16 product. 01:00:32PM
17 Q. Are you following your 01:00:33PM
18 counsel's instruction? 01:00:34PM
19 A. I am. 01:00:35PM
20 Q. Why were search queries being 01:00:42PM
21 run using the names of the individuals 01:00:44PM
22 listed here? 01:00:48PM
23 MR. BAKER: Same instruction. 01:00:50PM
24 Q. Are you following your 01:00:53PM
25 counsel's instruction? 01:00:54PM

Page 127

1	A.	I am.	01:00:54PM
2	Q.	Do you see Comment No. 4 on	01:01:12PM
3		page 29372?	01:01:14PM
4	A.	Yes.	01:01:21PM
5	Q.	Did you author that comment?	01:01:22PM
6	A.	I don't believe so.	01:01:30PM
7	Q.	Did [REDACTED] author that	01:01:32PM
8		comment?	01:01:34PM
9	A.	I don't know.	01:01:37PM
10	Q.	Does Waymo know?	01:01:39PM
11	A.	Waymo's guess is as good as	01:01:41PM
12		mine.	01:01:45PM
13	Q.	Comment 4 reads "Didn't	01:01:45PM
14		investigate this very far because I wasn't	01:01:47PM
15		sure what to look for. Mostly seems	01:01:49PM
16		work-related but hard to tell."	01:01:53PM
17		Do you see that?	01:01:54PM
18	A.	Yes, I do.	01:01:58PM
19	Q.	Were you given instructions	01:02:02PM
20		about what to look for when running	01:02:04PM
21		keyword searches across devices in the	01:02:08PM
22		course of the forensic investigation of	01:02:10PM
23		Mr. Levandowski's devices?	01:02:13PM
24	A.	I don't believe so.	01:02:39PM
25	Q.	So in running keyword searches,	01:02:39PM

1 your attention to two lines down from 12:59:52PM
2 that, beginning "leave within depart," do 12:59:55PM
3 you see that line? 12:59:59PM
4 A. Yes. 01:00:00PM
5 Q. In that search query there is 01:00:01PM
6 listed a handful of names, correct? 01:00:04PM
7 A. Those appear to be names. 01:00:13PM
8 Q. Are the names listed here the 01:00:15PM
9 individuals that Waymo was investigating? 01:00:17PM
10 MR. BAKER: Is that your 01:00:24PM
11 question? 01:00:25PM
12 MS. GOODMAN: My question, yes. 01:00:25PM
13 MR. BAKER: Objection, instruct 01:00:26PM
14 the witness not to answer on grounds of 01:00:29PM
15 attorney-client privilege and work 01:00:30PM
16 product. 01:00:32PM
17 Q. Are you following your 01:00:33PM
18 counsel's instruction? 01:00:34PM
19 A. I am. 01:00:35PM
20 Q. Why were search queries being 01:00:42PM
21 run using the names of the individuals 01:00:44PM
22 listed here? 01:00:48PM
23 MR. BAKER: Same instruction. 01:00:50PM
24 Q. Are you following your 01:00:53PM
25 counsel's instruction? 01:00:54PM

Page 127

1 downloading 14,000 files? 02:17:50PM

2 MR. BAKER: You can answer that 02:17:52PM

3 yes or no. 02:17:53PM

4 A. Can you repeat the question. 02:17:58PM

5 Q. Sure. 02:17:59PM

6 Does Waymo know how Mr. [REDACTED] 02:18:00PM

7 learned of Mr. Levandowski downloading 02:18:03PM

8 14,000 files? 02:18:07PM

9 A. Presumably, yes. 02:18:09PM

10 Q. Presumably yes or yes? 02:18:14PM

11 A. Yes. 02:18:18PM

12 Q. How did Mr. [REDACTED] learn of 02:18:20PM

13 Mr. Levandowski downloading 14,000 files? 02:18:23PM

14 MR. BAKER: Objection, instruct 02:18:25PM

15 the witness not to answer on the grounds 02:18:26PM

16 of attorney-client privilege and work 02:18:28PM

17 product. 02:18:29PM

18 Q. Are you following your 02:18:30PM

19 counsel's instruction? 02:18:31PM

20 A. I am. 02:18:32PM

21 Q. [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

1 A. You said 1, 2, 3, 4, and 8? 03:04:45PM
2 Q. 1, 2, 3, 4, and 8. 03:04:47PM
3 (Witness perusing document.) 03:04:50PM
4 A. I believe so. 03:05:00PM
5 Q. So what did you do to prepare 03:05:04PM
6 to testify on these topics today? 03:05:06PM
7 A. I spoke with the administrator 03:05:10PM
8 of the Subversion server and our counsel. 03:05:14PM
9 Q. How long did you meet with your 03:05:20PM
10 counsel? 03:05:22PM
11 A. Six hours. 03:05:27PM
12 Q. Did you review your deposition 03:05:28PM
13 from earlier in this case? 03:05:31PM
14 MR. BAKER: I am going to 03:05:33PM
15 instruct the witness not to answer on 03:05:34PM
16 grounds of attorney-client privilege and 03:05:35PM
17 work product. 03:05:37PM
18 Q. Are you going to follow that 03:05:39PM
19 instruction? 03:05:41PM
20 A. I am. 03:05:41PM
21 Q. Did you review your prior 03:05:43PM
22 declaration? 03:05:44PM
23 MR. BAKER: Same instruction. 03:05:44PM
24 Q. Are you going to follow the 03:05:48PM
25 instruction? 03:05:49PM

1 Q. You also mentioned lock-down; 03:25:35PM
2 what is that? 03:25:37PM

3	A. Lock-down will prevent any	03:25:37PM
4	unknown or any unapproved binaries from	03:25:44PM
5	running on a system that is running in	03:25:49PM
6	lock-down mode.	03:25:52PM

```

7           Q.      So if I have an executable that 03:25:54PM
8  [REDACTED] doesn't recognize, it says it can't 03:25:58PM
9  use it? 03:26:00PM

```

10	A. Yes.	03:26:00PM
----	---------	------------

11	Q.	How do you get to be able to	03:26:01PM
12		use it?	03:26:04PM

[illegible]

1 Q. Altium is a CAD system; did you 03:51:21PM
2 look to see if Altium was installed on the 03:51:26PM
3 W laptop? 03:51:29PM

4 A. No. 03:51:29PM

5 Q. During any point in your 03:51:33PM
6 investigation? 03:51:34PM

7 A. No. 03:51:35PM

8 Q. Is there a reason why? 03:51:36PM

9 A. Yes. 03:51:45PM

10 Q. Why? 03:51:45PM

11 MR. BAKER: I am going to 03:51:51PM
12 instruct the witness not to answer on 03:51:51PM
13 grounds of attorney-client privilege and 03:51:53PM
14 work product. 03:51:55PM

15 Q. I am going to go back to the 03:52:01PM
16 SVN log information in a minute, but I 03:52:03PM
17 want to ask you a question about the [REDACTED] 03:52:06PM
18 log data. 03:52:11PM

19 A. Okay. 03:52:12PM

20 Q. We're going to spend more time 03:52:13PM
21 on these documents, but I want to ask you 03:52:21PM
22 about one thing. 03:52:26PM

23 MR. CHATTERJEE: Mark this as 03:52:51PM
24 the next exhibit. 03:52:52PM

25 (Exhibit 1316, [REDACTED] log data, 03:52:52PM

[illegible]

1 here? 04:27:38PM

2 MR. BAKER: Objection, I am 04:27:39PM

3 going to caution you not to reveal the 04:27:43PM

4 substance of any attorney-client 04:27:44PM

5 communications. 04:27:46PM

6 If you can answer that question 04:27:46PM

7 without doing that, please do. 04:27:48PM

8 A. I did not pull the SVN log 04:27:52PM

9 data, I'm just speaking to the frame of 04:27:55PM

10 mind of why the entirety of all users' 04:27:56PM

11 logs may not be present. 04:28:04PM

12 For example, in what I've 04:28:05PM

13 produced to support my declaration, I'm 04:28:07PM

14 not pulling and presenting the [REDACTED] logs 04:28:10PM

15 of any of a hundred thousand other Google 04:28:13PM

16 employees because it is simply not 04:28:16PM

17 relevant to the investigation at hand. 04:28:18PM

18 Q. That wasn't my question. 04:28:20PM

19 What were you being asked to 04:28:25PM

20 prove as part of your forensic 04:28:26PM

21 investigation? 04:28:27PM

22 MR. BAKER: Same instruction 04:28:27PM

23 and also objection to the form. 04:28:28PM

24 A. These logs showed that 14,000 04:28:33PM

25 files and change were downloaded on 04:28:36PM

1 Q. What was the scope of the 04:35:58PM
2 investigation in the February, March time 04:35:59PM
3 frame? 04:36:03PM

4 MR. BAKER: Which year? 04:36:03PM

5 MR. CHATTERJEE: 2015 -- 2016, 04:36:06PM
6 my apologies. 04:36:09PM

7 Let me ask it again so the 04:36:10PM
8 record is clear. 04:36:11PM

9 Q. What was the scope of the 04:36:12PM
10 investigation in the February, March 2016 04:36:13PM
11 time frame? 04:36:16PM

12 MR. BAKER: I will object as 04:36:17PM
13 attorney-client privilege and work product 04:36:20PM
14 and instruct the witness not to answer. 04:36:21PM

15 Q. I will represent to you that 04:36:27PM
16 Mr. Gudjonsson in his deposition stated 04:36:28PM
17 that the investigation that was being 04:36:32PM
18 conducted was because Waymo had a 04:36:33PM
19 reasonable suspicion that Anthony 04:36:36PM
20 Levandowski might have removed 04:36:39PM
21 intellectual property from the grounds. 04:36:40PM

22 Do you disagree with what 04:36:44PM
23 Mr. Gudjonsson said in his deposition? 04:36:46PM

24 MR. BAKER: You can answer that 04:36:48PM
25 yes or no. 04:36:49PM

1	A.	At what time?	04:36:52PM
2	Q.	The February, March 2016 time	04:36:53PM
3		frame.	04:36:57PM
4	A.	I don't entirely agree.	04:37:05PM
5	Q.	Why do you disagree with what	04:37:07PM
6		Mr. Gudjonsson said?	04:37:09PM
7		MR. BAKER: I instruct the	04:37:11PM
8		witness not to answer on grounds of	04:37:12PM
9		attorney-client privilege and work	04:37:13PM
10		product.	04:37:14PM
11	Q.	Are you going to follow the	04:37:18PM
12		instruction?	04:37:19PM
13	A.	I am.	04:37:20PM
14	Q.	I am going to ask you a series	04:37:20PM
15		of questions, I just have to make sure I	04:37:21PM
16		have the record here.	04:37:23PM
17		In the February, March 2016	04:37:24PM
18		time frame, did you look at [REDACTED]	04:37:25PM
19		logs?	04:37:29PM
20	A.	I believe so.	04:37:31PM
21	Q.	Did you look for evidence of	04:37:32PM
22		downloading activity?	04:37:33PM
23	A.	I don't believe so.	04:37:40PM
24	Q.	What about the network traffic	04:37:42PM
25		logs that you referred to in your	04:37:43PM

1 in the February, March 2016 time frame to 04:42:36PM
2 look at the [REDACTED] log data? 04:42:41PM
3 MR. BAKER: I object as 04:42:43PM
4 attorney-client privilege and work product 04:42:44PM
5 and instruct the witness not to answer. 04:42:46PM
6 Q. Are you going to follow that 04:42:49PM
7 instruction? 04:42:50PM
8 A. I am. 04:42:50PM
9 Q. Did did you look at any log 04:42:51PM
10 data in the February, March time frame? 04:42:52PM
11 MR. BAKER: Same instruction. 04:42:57PM
12 Q. Are you going to follow that 04:43:00PM
13 instruction? 04:43:01PM
14 A. I am. 04:43:02PM
15 Q. In the August 2016 time frame, 04:43:12PM
16 was that the first time you looked at [REDACTED] 04:43:14PM
17 log data, [REDACTED] log data and network 04:43:18PM
18 data -- sorry, network log data? 04:43:21PM
19 A. Yes. 04:43:28PM
20 Q. That was for purposes of this 04:43:33PM
21 investigation you did, right? 04:43:35PM
22 A. Yes. 04:43:38PM
23 Q. I want to ask you one more 04:43:46PM
24 question about [REDACTED] that I neglected 04:43:47PM
25 to ask you earlier. 04:43:49PM

1 MR. BAKER: Objection to form, 05:14:49PM
2 counsel. 05:14:51PM
3 A. Do you have anything that says 05:14:54PM
4 that this didn't happen; the device was 05:14:55PM
5 attached, it was attached for a period of 05:14:58PM
6 eight hours. 05:15:00PM
7 I did search for this device 05:15:01PM
8 earlier in the logs and in my grep-ing I 05:15:02PM
9 couldn't find any indication of having 05:15:07PM
10 done so prior, that's anomalous. 05:15:09PM
11 Q. You want to make sure you knew 05:15:13PM
12 everything you possibly could about card 05:15:15PM
13 readers in Chauffeur before this kind of 05:15:17PM
14 an accusation was made, right? 05:15:19PM
15 MR. BAKER: Objection to form. 05:15:22PM
16 A. Nothing in my declaration is 05:15:23PM
17 not factual. 05:15:25PM
18 Q. Did you do any investigation as 05:15:27PM
19 to whether card readers were used by 05:15:29PM
20 Project Chauffeur? 05:15:31PM
21 MR. BAKER: Objection to form. 05:15:33PM
22 A. No. 05:15:34PM
23 Q. Did you ever check to see if 05:15:35PM
24 people in Chauffeur used digital cameras 05:15:39PM
25 or video cameras or Go Pros as part of 05:15:42PM

1	their ordinary business?	05:15:45PM
2	MR. BAKER: Same objection.	05:15:48PM
3	A. What I did check was to see if	05:15:54PM
4	this was anomalous for this user and it	05:15:56PM
5	was anomalous for this user.	05:15:58PM
6	What another engineer somewhere	05:15:59PM
7	else in Chauffeur does, if they have a Go	05:16:00PM
8	Pro that they want to bring to work,	05:16:02PM
9	that's their business.	05:16:04PM
10	But the subject of my	05:16:04PM
11	investigation was Anthony Levandowski, I	05:16:06PM
12	wanted to check if this was anomalous for	05:16:12PM
13	Mr. Levandowski and it turns out it was.	05:16:14PM
14	Q. Did you look for any [REDACTED] log	05:16:18PM
15	data about card readers being attached to	05:16:20PM
16	the desktop?	05:16:22PM
17	A. The desktop was not the subject	05:16:27PM
18	of our investigation at that point.	05:16:29PM
19	Q. Wouldn't it be relevant to know	05:16:30PM
20	if his behavior was anomalous to know if	05:16:32PM
21	he ever connected a card reader to the	05:16:35PM
22	desktop?	05:16:37PM
23	MR. BAKER: Objection to form.	05:16:39PM
24	A. Not necessarily.	05:16:46PM
25	Q. Wouldn't his behavior on all of	05:16:46PM

1 his laptops be relevant when you're trying 05:16:49PM
2 to make an assessment whether his behavior 05:16:52PM
3 was usual or unusual? 05:16:54PM

4 MR. BAKER: Objection to form. 05:16:56PM

5 A. We had assessed behavior and we 05:16:58PM
6 had a series of events in the month of 05:16:59PM
7 December that were very much anomalous and 05:17:01PM
8 this was just the cherry on top of more 05:17:03PM
9 anomalous activity that seemed to suggest 05:17:07PM
10 that ex-filtration was occurring. 05:17:12PM

11 Q. But you don't know that because 05:17:15PM
12 you didn't look at the desktop, did you? 05:17:16PM

13 MR. BAKER: Objection to form. 05:17:17PM

14 A. The desktop isn't where all the 05:17:18PM
15 activity was happening. 05:17:20PM

16 All this unusual activity was 05:17:21PM
17 happening on the Windows machine and I do 05:17:23PM
18 wish that we had been able to retain the 05:17:25PM
19 Windows laptop for a top-to-bottom 05:17:28PM
20 analysis, but unfortunately someone 05:17:30PM
21 reimaged it before they left. 05:17:34PM

22 Q. So you have the [REDACTED] log data 05:17:35PM
23 for that desktop, right? 05:17:38PM

24 A. Which desktop are we speaking 05:17:42PM
25 of? 05:17:43PM

1 forensic evaluation, you found evidence of 06:17:05PM
2 moonlighting. 06:17:07PM
3 Do you remember that? 06:17:08PM
4 A. I do. 06:17:12PM
5 Q. What was the evidence of 06:17:12PM
6 moonlighting that you found? 06:17:14PM
7 MR. BAKER: Do you have a 06:17:18PM
8 privilege concern? 06:17:19PM
9 THE WITNESS: I do. 06:17:19PM
10 MR. BAKER: Let's go outside. 06:17:20PM
11 THE VIDEO TECHNICIAN: Time is 06:17:22PM
12 6:17, we're off the record. 06:17:24PM
13 (Witness and counsel left the 06:17:29PM
14 hearing room to confer.) 06:17:30PM
15 (Pause.) 06:17:30PM
16 (Witness and counsel returned 06:17:30PM
17 to the hearing room.) 06:19:09PM
18 THE VIDEO TECHNICIAN: Time is 06:19:09PM
19 6:19, we're on the record. 06:19:25PM
20 BY MR. CHATTERJEE: 06:19:27PM
21 Q. The question that was pending 06:19:28PM
22 is what is the evidence of moonlighting 06:19:30PM
23 that you found? 06:19:32PM
24 MR. BAKER: I will object on 06:19:32PM
25 the grounds of attorney-client privilege 06:19:33PM

1 and work product and instruct the witness 06:19:34PM
2 not to answer. 06:19:36PM
3 Q. You're going to follow that 06:19:37PM
4 instruction? 06:19:38PM
5 A. I am. 06:19:39PM
6 Q. We have had a number of breaks 06:19:40PM
7 today where you needed to confer with 06:19:41PM
8 counsel. 06:19:44PM
9 During any of those breaks, do 06:19:44PM
10 you recall discussing with your counsel 06:19:47PM
11 any issue other than whether you should 06:19:50PM
12 assert privilege or not? 06:19:52PM
13 A. No. 06:19:53PM
14 MR. CHATTERJEE: I think there 06:20:08PM
15 has been a significant privilege waiver 06:20:09PM
16 here and I am going to leave the 06:20:10PM
17 deposition open, but I am going to stop 06:20:11PM
18 asking questions now until we can resolve 06:20:13PM
19 this between the lawyers. 06:20:15PM
20 But I appreciate your time and 06:20:16PM
21 thanks for answering all my questions. 06:20:17PM
22 MR. BAKER: Obviously we 06:20:23PM
23 disagree. 06:20:24PM
24 MR. CHATTERJEE: I also want to 06:20:31PM
25 say it is very clear from the testimony 06:20:32PM

C E R T I F I C A T I O N

I, Jineen Pavesi, a Registered Professional Reporter, Registered Merit Reporter, Certified Realtime Reporter and a Notary Public, do hereby certify that the foregoing witness, GARY BROWN, was duly sworn on the date indicated, and that the foregoing is a true and accurate transcription of my stenographic notes.

I further certify that I am not employed by nor related to any party to this action.

A handwritten signature in black ink that reads "Jineen Pavesi, RPR, RMR". The signature is written in a cursive, flowing style.

JINEEN PAVESI, RPR, RMR, CRR